



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

(703)583-3800

www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director
(804) 698-4000

Thomas A. Faha
Regional Director

September 6, 2019

By e-mail: Emily.Baker@alexandriava.gov

Receipt Confirmation Requested

Ms. Emily A. Baker
City of Alexandria
301 King Street, Suite 3500
Alexandria, Virginia 22314

Re: Virginia Water Protection (VWP) Individual Permit Number 19-0710
Potomac Yard Metrorail Station, City of Alexandria, Virginia
Final VWP Individual Permit

Dear Ms. Baker:

Pursuant to the VWP Permit Program Regulation 9 VAC 25-210 and § 401 of the Clean Water Act Amendments of 1977, Public Law 95-217, the Department of Environmental Quality has enclosed the VWP Individual Permit for the "Potomac Yard Metrorail Station" project.

This permit is valid for 15 years from the date of issuance. An extension of the permit may not occur as the permit term cannot exceed the maximum of 15 years. A new permit may be necessary if any portion of the authorized activities or any permit requirement (including compensatory mitigation provisions) is not complete at the end of the 15 year permit term.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have **30 calendar days** from the date of service (the date you actually received this decision or the date it was e-mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

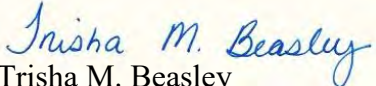
Alternatively, any owner under §§ 62.1-44.16, 62.1-44.17, and 62.1-44.19 of the State Water Control Law aggrieved by any action the board has taken without a formal hearing, or by inaction of the board, may

Ms. Emily A. Baker
VWP Individual Permit No. 19-0710
September 6, 2019
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demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the board. Said petition must meet the requirements set forth in the board's Procedural Rule Number 1 (9VAC25-230-130 B). In cases involving actions of the board, such petition must be filed within **30 calendar days** after notice of such action is sent to such owner by certified mail.

If you have any questions, please contact Wynn Prusaczyk by phone at (703) 583-3871 or by email at Wynn.Prusaczyk@deq.virginia.gov.

Respectfully,



Trisha M. Beasley
Regional VWPP Program Manager

Enclosures: Permit Cover Page, Part I - Special Conditions, Part II - General Conditions, Weekly VWP Permit Inspection Checklist, VWP Permit Construction Status Update Form

Cc (by e-mail):

Ms. Loretta Cummings, Stantec Consulting Services Inc.

Mr. Justin Curtis, AquaLaw PLC

Ms. Theresita Crockett-Augustine, U.S. Army Corps of Engineers, Northern VA Field Office



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Thomas A. Faha
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VWP Individual Permit Number 19-0170

Effective Date: September 6, 2019

Expiration Date: September 6, 2034

VIRGINIA WATER PROTECTION PERMIT ISSUED PURSUANT TO THE STATE WATER CONTROL LAW AND SECTION 401 OF THE CLEAN WATER ACT

In compliance with § 401 of the Clean Water Act, as amended (33 USC § 1341) and the State Water Control Law and regulations adopted pursuant thereto, the board has determined that there is a reasonable assurance that this VWP permit, if complied with, will protect instream beneficial uses, will not violate applicable water quality standards, and will not cause or contribute to a significant impairment of state waters or fish and wildlife resources. In issuing this VWP permit, the board has not taken into consideration the structural stability of any proposed activities.

Permittee: City of Alexandria

Address: 301 King Street, Suite 3500, Alexandria, Virginia 22314

Activity Location: The project is east of Potomac Avenue, west of George Washington Memorial Parkway, and north of Potomac Greens Drive in the City of Alexandria, Virginia.

Activity Description: The permittee proposes to construct a new Metrorail Station, associated tracks, and additional auxiliary structures on approximately 18.39-acre site known as "Potomac Yard Metrorail Station." Permitted activities shall be conducted as described in the Joint Permit Application dated and received on February 6, 2019, and supplemental materials, including appendices, revisions and clarifications received May 21, 2019.

Authorized Surface Water Impacts:

This permit authorizes the total impact of 3.57 acres of surface waters, consisting of 1.56 acres of permanent impacts and 2.01 acres of temporary impacts. Permanent impacts are to 0.92 acre of palustrine forested (PFO) wetland and 0.64 acre of palustrine emergent (PEM) wetland. Temporary impacts are to 1.10 acres of PFO wetland and to 0.91 acre of PEM wetland. Authorized surface water impacts shall be

as depicted on the impacts maps entitled *Potomac Yard Metro Station Impacts Map* and *Potomac Yard Metro Station Impacts Inset Section*, dated March 2019, and received March 11, 2019.

Compensation:

The permittee shall compensate for the authorized surface water impacts through the following:

1. Compensation for permanent wetland impacts shall be provided through the purchase of 4.96 wetland credits from a DEQ approved mitigation bank, in-lieu fee fund, or a combination thereof that is authorized and approved by DEQ to sell credits in the area in which the impacts will occur and has credits available (as released by DEQ).
2. Compensation for temporal loss of function from temporary impacts to PFO wetland shall be provided through the purchase of 1.10 wetland credits from a DEQ approved mitigation bank, in-lieu fee fund, or a combination thereof that is authorized and approved by DEQ to sell credits in the area in which the impacts will occur and has credits available (as released by DEQ).
3. Mitigation bank credits shall be purchased prior to the purchase of in-lieu fee program credits in accordance with 9VAC25-210-116.C.2.
4. The credit sale shall be in accordance with the approved Mitigation Banking Instrument for the mitigation bank.

The permitted activity shall be in accordance with this Permit Cover Page, Part I - Special Conditions, and Part II - General Conditions.



Thomas A. Faha, Regional Director

September 6, 2019
Date

Part I – Special Conditions

A. Authorized Activities

1. This permit authorizes the total impact of 3.57 acres of surface waters, consisting of 1.56 acres of permanent impacts and 2.01 acres of temporary impacts.
 - a. Permanent impacts consist of 0.92 acre of palustrine forested (PFO) wetland and 0.64 acre of palustrine emergent (PEM) wetland.
 - b. Temporary impacts consist of 1.10 acres of PFO wetland and 0.91 acre of PEM wetland.
 - c. Authorized surface water impacts described under this condition shall be as depicted on the impacts maps entitled *Potomac Yard Metro Station Impacts Map* and *Potomac Yard Metro Station Impacts Inset Section*, dated March 2019, and received March 11, 2019.
2. The permittee shall conduct authorized activities as described in the Joint Permit Application dated and received February 6, 2019, and supplemental materials, revisions and clarifications received through May 21, 2019.
3. The permittee shall immediately notify the DEQ of any changes to the authorized activities or impacts map that affect permitted areas or any changes to the design or type of construction activities in surface waters authorized by this permit. Any additional impacts, modifications, or changes shall be subject to individual permit review and/or modification of this permit and require DEQ approval.

B. Permit Term

1. This permit is valid for **fifteen (15) years** from the date of issuance. A new permit may be necessary for the continuance of the authorized activities or any permit requirement that has not been completed, including compensation provisions.
2. The permittee shall notify DEQ in writing at least 120 calendar days prior to the expiration of this permit if reissuance will be requested.

C. Standard Project Conditions

1. The activities authorized by this permit shall be executed in such a manner that any impacts to beneficial uses are minimized. As defined in § 62.1-10(b) of the Code, "beneficial use" means both instream and offstream uses. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. The preservation of instream flows for purposes of the protection of navigation, maintenance of waste assimilation capacity, the protection of fish and wildlife resources and habitat, recreation, cultural and aesthetic values is an instream beneficial use of Virginia's waters. Offstream beneficial uses include, but are not limited to, domestic uses (including public water supply), agricultural uses, electric power generation, commercial uses, and industrial uses. Public water supply uses for human consumption shall be considered the highest priority.

2. No activity shall substantially disrupt the movement of aquatic life indigenous to the water body, including those species which normally migrate through the area, unless the primary purpose of the activity is to impound water.
3. Flows downstream of the project area shall be maintained to protect all uses.
4. All construction, construction access, and demolition activities associated with this project shall be accomplished in a manner that minimizes construction materials or waste materials from entering surface waters, unless authorized by this permit. Wet, excess, or waste concrete shall be prohibited from entering surface waters.
5. All fill material placed in surface waters shall be clean and free of contaminants in toxic concentrations or amounts in accordance with all applicable laws and regulations.
6. Measures shall be employed at all times to prevent and contain spills of fuels, lubricants, or other pollutants into surface waters.
7. Virginia Water Quality Standards shall not be violated in any surface waters as a result of the project activities.
8. All non-impacted surface waters that are within the project or right-of-way limits, and that are within fifty feet of any project activities, shall be clearly flagged or demarcated for the life of the construction activity within that area. The permittee shall notify all contractors and subcontractors that *no activities are to occur in these marked areas*.
9. All required notifications and submittals shall include project name and permit number and be submitted electronically to vwp.nro@deq.virginia.gov or mailed to the DEQ office stated below, to the attention of the VWP permit manager, unless directed in writing by DEQ subsequent to the issuance of this permit: Department of Environmental Quality- Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia 22193.
10. All reports required by this permit and other information requested by DEQ shall be signed by the permittee or a person acting in the permittee's behalf, with the authority to bind the permittee. A person is a duly authorized representative only if *both* criteria below are met. If a representative authorization is no longer valid because of a change in responsibility for the overall operation of the facility, a new authorization shall be immediately submitted to DEQ.
 - a. The authorization is made in writing by the permittee.
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

11. All submittals shall contain the following signed certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

12. Any fish kills or spills of fuels or oils shall be reported to DEQ immediately upon discovery at (703) 583-3800. If DEQ cannot be reached, the spill shall be reported to the Virginia Department of Emergency Management (DEM) at 1-800-468-8892 or the National Response Center (NRC) at 1-800-424-8802.
13. DEQ shall be notified in writing within 24 hours or as soon as possible on the next business day when potential environmentally threatening conditions are encountered which require debris removal or involve potentially toxic substances. Measures to remove the obstruction, material, or toxic substance or to change the location of any structure are prohibited until approved by DEQ.

D. Temporary Impacts

1. All temporarily disturbed wetland areas shall be returned to preconstruction wetland elevations and replanted in accordance with the DEQ approved Final Restoration Plan no later than March 31, 2022.
2. At the location between the tidal wetland and the project limits, as identified on cross-section 450+50 provided in Attachment M- Temporary Fill Cross-sections received on April 29, 2019, the permittee shall:
 - a. establish and maintain a minimum 10-foot buffer between the tidal wetland and the project limits;
 - b. properly install and maintenance a row of super silt fence a minimum of 10 feet from the tidal wetland to provide secondary sediment control; and,
 - c. properly install and maintenance a row of silt fence 5-feet landward of the super silt fence to provide primary sediment control.

E. Stormwater Management Structures

1. Any outfalls and overflow structures shall be constructed and maintained to prevent downstream sediment deposition, erosion, or scour that may be associated with normal flow and any expected storm flows. Construction shall include the use of an appropriately sized riprap outlet protection apron at the outfall site.
2. Draining of a stormwater management facility shall be performed by a method that prevents downstream sediment deposition, erosion, or scour.

F. Project Construction Monitoring and Submittals (Impact Sites)

1. The permittee shall submit written notification at least **ten (10) calendar days** prior to the initiation of land disturbance or construction activities in permitted areas. The notification shall include preconstruction photographs, and projected schedule for initiating and completing work at each permitted impact area.
 - a. Preconstruction photographs shall be taken at each cross-section of the temporary impacts depicted on Attachment M - Temporary Fill Cross-Sections received on April 4, 2019, prior to initiation of activities within impact areas.
 - b. Photographs shall depict the impact area and the non-impacted surface waters immediately adjacent to and down gradient of each impact area.
 - c. Each photograph shall be labeled to include the following information: permit number, cross-section location, date and time of the photograph, name of the person taking the photograph, photograph orientation, and photograph subject description.
2. Site inspections shall be conducted **once every calendar week** and recorded on the *Weekly VWP Permit Inspection Checklist (Attachment 1)* by the permittee or the permittee's qualified designee during active construction within authorized surface water impact areas. Weekly inspections shall be conducted in the following areas: all authorized permanent and temporary impact areas; the perimeter of the project construction area that is adjacent to surface waters, including wetlands, stream channels, and open water; and, surface water areas within 50 feet of any land disturbing activity. The *Weekly VWP Permit Inspection Checklist (Attachment 1)* shall be completed in its entirety for each weekly inspection and shall be submitted to DEQ monthly.
3. The *VWP Permit Construction Status Update Form (Attachment 2)* enclosed with this permit shall be completed in June and December of every year for the duration of this permit. The *VWP Permit Construction Status Update Form (Attachment 2)* shall include reference to the VWP permit authorization number and one of the following statements for each authorized surface water impact location:
 - a. Construction activities not yet started;
 - b. Construction activities started;
 - c. Construction activities started but are currently inactive; or,
 - d. Construction activities complete.
4. The *VWP Permit Construction Status Update Form (Attachment 2)* shall be submitted and must be received by DEQ no later than January 10 and July 10 of every year.
5. The permittee shall notify DEQ within 24 hours of discovering impacts to surface waters including wetlands, stream channels, and open water that are not authorized by this permit. The notification shall include photographs, estimated acreage and/or linear footage of impacts, and a description of the impacts.
6. The permittee shall submit written notification of completion within 30 calendar days after the completion of all activities in all permanent permitted impact areas authorized under this permit.

G. Soil Management

1. The permittee shall submit a soil management plan to address the management of potentially contaminated soils that may be encountered during site development within 60 days of the effective date of this permit, and prior to any construction activity in permitted impact areas. The plan should include, at a minimum: a summary of soil conditions at the project site; procedures for characterizing the material, whether in place or in stockpiles; sampling frequency and analytical parameters; on site management of excavated material; removal, including transportation considerations; disposal locations; and project summary.

H. Compensatory Mitigation

1. The permittee shall compensate for permanent wetland impacts through the purchase of 4.96 wetland credits, consisting of 3.68 credits for impacts to 0.92 acre of PFO and 1.28 credits for impacts to 0.64 acre of PEM, from a DEQ approved mitigation bank, an approved in-lieu fee fund, or a combination thereof that is authorized and approved by DEQ to sell credits in the area in which the impacts will occur and has credits available (as released by DEQ). Mitigation bank credits shall be purchased prior to the purchase of in-lieu fee program credits in accordance with 9VAC25-210-116.C.2. The credit sale shall be in accordance with the approved Mitigation Banking Instrument for the mitigation bank.
2. The permittee shall compensate for temporal loss of function due to temporary impacts to PFO wetland through the purchase of 1.10 wetland credits from a DEQ approved mitigation bank, an approved in-lieu fee fund, or a combination thereof that is authorized and approved by DEQ to sell credits in the area in which the impacts will occur and has credits available (as released by DEQ). Mitigation bank credits shall be purchased prior to the purchase of in-lieu fee program credits in accordance with 9VAC25-210-116.C.2. The credit sale shall be in accordance with the approved Mitigation Banking Instrument for the mitigation bank.
3. The permittee shall restore 1.10 acre of palustrine-forested wetland and 0.91 acre palustrine emergent wetland on-site in accordance with the DEQ approved Final Restoration Plan and no later than March 31, 2022.
4. The permittee shall compensate for impacts to Torrey's rush (*Juncus torreyi*) by creating a re-establishment zone, comprised of a minimum 400 square foot colony with Torrey's rush at a minimum of 45% coverage. The re-establishment shall occur within the temporary impact restoration area or in the adjacent wetlands. The re-establishment shall be in accordance with the DEQ approved Final Restoration Plan.
5. The permittee shall submit documentation to DEQ prior to initiating work in permitted impact areas that 6.06 wetland credits were acquired and debited from the ledger of a DEQ approved mitigation bank, in-lieu fee fund, or a combination thereof.

I. On-Site Restoration Standard Conditions

1. The final wetlands and/or stream restoration plan (the Plan), as prepared in accordance this VWP

Permit, shall be submitted to DEQ within 60 days of the effective date of this permit and approved in writing by DEQ prior to any construction activity in permitted impact areas. The Plan as approved by DEQ shall be an enforceable requirement of this permit. Any change to the approved Plan must be submitted to DEQ for approval prior to implementing the change. The vegetation used shall be native species common to the area, shall be suitable for growth in local wetland or riparian conditions, and shall be from areas within the same or adjacent U.S. Department of Agriculture Plant Hardiness Zone or Natural Resources Conservation Service Land Resource Region as that of the project site.

2. Herbicides or algicides shall be used in accordance with the application rate and method of application in accordance with the manufacturers' requirements and applicable local, state, and federal regulations.
3. All *non-impacted surface waters* and designated upland buffers that are within the restoration site limits, that are within fifty feet of any restoration site activities, and that are within the project or right-of-way limits shall be clearly flagged or marked for the life of the construction activity within that area. The permittee shall notify all contractors and subcontractors that *no activities are to occur within these marked areas*.

J. Wetland Restoration Site Construction: Tasks, Monitoring, and Submittals

1. The permittee shall submit a Final Wetland Restoration Plan (the Plan), which shall include all the information provided in the conceptual restoration plan and, at a minimum, the following information:
 - a. The goals and objectives of the plan, how the restoration is replacing/enhancing/preserving wetland functions, the components of the compensation expressed in acres (rounded to the nearest 100th acre) and square footage, the proposed vegetation types, and the wetland classification.
 - b. Torrey's rush re-establishment plan. The plan shall include multiple approaches to assure successful mitigation through relocation of mature plants, as well as planting of propagules and/or seeds that have been successfully reared off site in greenhouse setting or on-site. The plan should include:
 - i. The location where the colony will be re-established (the re-establishment zone);
 - ii. The method to harvest the on-site seed source (starting in June through September of 2019), transferrable rooting structures, individual plant specimens, and/or entire in-situ plant colony including associated soil media within the rooting zone;
 - iii. The method of re-establishment; and,
 - iv. Soil amendments (if applicable).
 - c. Wetland delineation confirmation, data sheets, and survey-located wetland maps for existing surface waters on the restoration site, and any collected information on reference wetlands adjacent to or near the restoration site.
 - d. A location map, including the restoration site boundaries, the latitude and longitude (to the nearest second) at the center of the restoration site, and the watershed name and the fourth

order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset, in which the restoration site is located.

- e. A spot elevation survey. The survey shall be conducted by a licensed land surveyor and certified by a licensed surveyor, licensed professional engineer, or licensed landscape architect. The survey shall document spot elevations (in feet above mean sea level) in locations representative of the temporary impacted forested wetland and emergent wetland system that are within +/- 0.2 feet (2.5 inches) of the wetland prior to commencement of the temporary impact, to be used as reference elevations to set the grade for the restored wetland. This permit does not require the permittee to restore the pre-construction elevation of the upland piles of soil currently present in the authorized temporary impact area. These dispersed upland areas are to be restored to the elevations necessary to achieve the re-establishment of 1.10 acre of forested and 0.91 of emergent wetlands.
- f. Provide the start and end dates of the growing season, as defined below:
 - i. For the purpose of this determination, the growing season is defined as the period in which the 24-hour average air temperatures are expected to be above 28°F in 5 out of 10 years; or,
 - ii. Define the period during which the soil temperature at the project locations is greater than biological zero: (41°F) at a depth of 50 cm (19.7 inches), if such data is available.
- g. A site access plan.
- h. A monitoring plan, with defined goals.
- i. A drawing(s) depicting the location of photo-monitoring stations, monitoring wells, soil sampling points, reference wetlands (if applicable), and vegetative monitoring plot(s)/transect(s).
- j. Define the sampling method and sizing of vegetative monitoring plot(s)/transect(s).
- k. Monitoring wells shall be proposed at a minimum density of 3 per acre. The plan shall include specific details on the monitoring wells, monitoring device, and monitoring methodology.
- l. An abatement and control plan for undesirable plant species, including the type of herbicides or algicides to be used, and their application rate and method of application in accordance with the manufacturers' requirements, as applicable.
- m. A planting scheme and schedule, including but not limited to, the plant species, wetland indicator status and sizing to be planted, zonation, and acreage of each vegetation type proposed.
- n. A soil preparation and amendment plan addressing both topsoil and subsoil conditions, permeability, and the need for soil amendments and/or structural modification (i.e. surface scarification or tilling).
- o. Grading and Erosion and Sediment Control Plans.
- p. A construction and Plan implementation schedule.

2. Photographs of existing conditions shall be taken prior to commencing activities at the restoration site.

Photographs shall be taken at a height of approximately five to six feet and from fixed-point stations, preferably at the same location as that of each the planned monitoring wells. Photographs shall be taken in each of the four cardinal directions (north, east, south, and west). Permanent markers shall be established to ensure that the same locations on the site are used for future monitoring events. Each photograph taken shall be labeled with the permit number, the name of the restoration site, the photo station number, the photograph orientation, the date and time of the photograph, the name of the

person taking the photograph, and a brief description of the subject of the photograph. This information shall be provided as a separate attachment to each photograph, if necessary.

3. DEQ shall be notified in writing at least **ten (10) calendar days** prior to the initiation of restoration grading at the restoration site. The notification shall include a projected schedule of activities, Plan implementation, and construction completion.
4. Photographic monitoring of restoration site activities shall be required at the end of each month during restoration grading and site preparation activities to document that construction activities are being performed in manner to prevent impacts to adjacent surface waters.
 - a. Photographic monitoring shall be conducted by the following method:
Photographs shall be taken at a height of approximately five to six feet and from fixed-point stations, preferably at the same location as that of each planned monitoring well. Photographs shall be taken in each of the four cardinal directions (north, east, south, and west). Permanent markers shall be established to ensure that the same locations on the site are used for future monitoring events. Each photograph taken shall be labeled with the permit number, the name of the restoration site, the photo station number, the photograph orientation, the date and time of the photograph, the name of the person taking the photograph, and a brief description of the photograph subject. This information shall be provided as a separate attachment to each photograph, if necessary.
 - b. For temporary disturbances to surface waters, the permittee shall conduct photographic monitoring at each temporary impact location after the temporary disturbance activity is complete in order to document that the area has been restored in compliance with these permit conditions.
5. After the wetland restoration site reaches final grade, but prior to planting, the permittee shall submit to DEQ a post-grading survey that confirms final grade is consistent with preconstruction wetland elevations. The survey shall be conducted by a licensed land surveyor and certified by a licensed surveyor, licensed professional engineer, or licensed landscape architect. The survey shall document spot elevations (in feet above mean sea level) that are within +/- 0.2 feet (2.5 inches) of the elevations indicated in the site restoration grading plan. This permit does not require the permittee to restore the pre-construction elevation of the upland piles of soil presently dispersed in the temporary impact area. These dispersed upland areas are to be restored to the pre-construction elevations of the adjacent wetlands.
6. Restoration site Restoration Monitoring Reports shall be submitted within 30 calendar days of each monitoring event. The reports shall include the following, as appropriate:
 - a. A summary of restoration progress, including any problems encountered and the proposed corrective actions or the DEQ-approved corrective actions taken.
 - b. Properly labeled photographs as detailed in Part J.2 & 4. The first restoration monitoring report shall include the photographs taken at the restoration site prior to initiation of land disturbance or restoration activities at the restoration site.

K. Wetland Restoration Success Criteria

1. The wetland restoration site as identified in the conceptual restoration plan *Potomac Yard Metrorail Station Civil; East Side; Wetlands Restoration Plan*, (2 sheets), dated December 27, 2018, and received February 6, 2019, and subsequent DEQ approved final plan submittal in accordance with VWP Permit 19-0170, and approved by DEQ shall meet success criteria required in this permit.
2. Success criteria, as stipulated by this Permit, is required to be met across the entire wetland restoration area, with randomly selected monitoring locations utilizing an appropriate selection means, and representative of each distinct resource type (i.e. zonation). All means or averages of plot data must apply to a distinctly homogenous area, with the number of sampling points and frequency of observation sufficient to allow for appropriate statistical inference. In the event that the monitoring does not accurately reflect the conditions of the entire site, additional monitoring will be required.
3. The site shall be inundated (flooded or ponded) or the water table is ≤ 12 inches below the soil surface for ≥ 14 consecutive days during the growing season every monitoring year. Site hydrology shall not exceed surficial inundation tolerances of the planted vegetation species. Hydrology shall be demonstrated via the use of monitoring wells at a minimum density of 3 monitoring wells per acre. In situations of inundation, the depth of inundation is to be reported at each monitoring well location.
4. Wetland vegetation shall meet all of the following criteria, as applicable based on defined end-resource type:

a. Non-tidal Forested Wetlands

- i. A density of 400 woody living stems per acre greater than 12 inches in height in monitoring periods 1, 2, and 3 shall be maintained.
- ii. A density of 400 woody living stems per acre and greater than 24 inches in height in monitoring years 4 and 5 shall be maintained.
- iii. A density of 400 woody living stems per acre and greater than 36 inches in height in monitoring year 7.
- iv. The 400 woody stems shall be comprised of only native tree and shrub species, of which not less than 50% shall be native tree species.
- v. All woody species criteria shall be achieved at minimum in the last two monitoring years without supplemental planting. Woody stem counts include living, vigorous woody stems both planted and volunteer.
- vi. Native herbaceous plant coverage shall be at least 60% by the end of the first growing season, and at least 70% each monitoring year thereafter. Any seeds used for plant establishment should conform to the Virginia Seed Law (Sections 3.1-262 Code of Virginia) and Virginia Seed Regulations (2 VAC 5-290-10 et seq) and shall be free of tall fescue, Bermuda grass, and other allelopathic turf grass species, as well as plant species on the Virginia Department of Conservation and Recreation's Invasive Alien Plant List.
- vii. No more than 10% aerial cover and/or cumulative areas larger than 0.25 acre in size dominated by invasive species may be present in each cell, field, block, or transect. Invasive species are identified on the Virginia Department of Conservation and Recreation's Invasive Alien Plant

- list. This list of invasive plants may be found at <https://www.dcr.virginia.gov/natural-heritage/document/nh-invasive-plant-list-2014.pdf>;
- viii. Woody stems must present wetland vegetation dominance, defined as a vegetation community where more than 50% of all dominant species are facultative ("FAC") or wetter using "routine delineation methods" as described in the "Corps of Engineers Wetland Delineation Method," Technical Report 87-1 ("1987 Manual") or the Eastern Mountain and Piedmont Regional Supplement must be achieved.
- ix. Emergent vegetation must present wetland vegetation dominance, defined as a vegetation community where more than 50% of all dominant species are facultative ("FAC") or wetter using "routine delineation methods" as described in the "Corps of Engineers Wetland Delineation Method," Technical Report 87-1 ("1987 Manual") or the Eastern Mountain and Piedmont Regional Supplement must be achieved.

b. Non-tidal Emergent Wetland

- i. Native non-invasive herbaceous plant coverage shall be at least 60% by the end of the first growing season, and at least 80% each monitoring year thereafter. Any seeds used for plant establishment should conform to the Virginia Seed Law (Sections 3.1-262 Code of Virginia) and Virginia Seed Regulations (2 VAC 5-290-10 et seq) and shall be free of tall fescue, Bermuda grass, and other allelopathic turf grass species, as well as plant species on the Virginia Department of Conservation and Recreation's Invasive Alien Plant List.
- ii. No more than 10% aerial cover and/or cumulative areas larger than 0.25 acre in size dominated by invasive species may be present in each cell, field, or block. Invasive species are identified on the Virginia Department of Conservation and Recreation's Invasive Alien Plant list. This list of invasive plants may be found at <https://www.dcr.virginia.gov/natural-heritage/document/nh-invasive-plant-list-2014.pdf>;
- iii. Emergent vegetation must present wetland vegetation dominance, defined as a vegetation community where more than 50% of all dominant species are facultative ("FAC") or wetter using "routine delineation methods" as described in the "Corps of Engineers Wetland Delineation Method," Technical Report 87-1 ("1987 Manual") or the Eastern Mountain and Piedmont Regional Supplement must be achieved.
- iv. The Torrey's rush re-establishment zone shall meet the above PEM vegetative success criteria, and shall achieve a Torrey's rush density of at a minimum 45% coverage over a 400 square area.
5. Soil Success Criteria shall be evaluated for wetland restoration areas located on non-hydric soils and the Torrey's rush re-establishment area. In that event, the following success criteria shall be followed:
- a. For fine textured soils (silts, clays, loams), positive indicators of hydric soil formation must be demonstrated within 12 inches of the soil surface. Groundwater monitoring may be used as a positive indicator for all monitoring years after reaching the final grade, in which case, wells must demonstrate free water within 12 inches of the surface for at least 15 consecutive days during the growing season.
- b. For coarse textured (sandy) surface soils (A horizon), positive indicators of hydric soil formation must be demonstrated within 6 inches of the soil surface. Groundwater monitoring may be used as a positive indicator for all monitoring years after reaching the final grade, in which case, wells

must demonstrate free water within 6 inches of the surface for at least 15 consecutive days during the growing season.

- c. Positive indicators of hydric soil formation may include redoximorphic features including, but not limited to redox concentrations, redox depletions, reduced matrices, positive tests with α, α' -diperydyl, or other field indicators contained in the Field Indicators of Hydric Soils of the U.S.
 - d. A complete soil morphologic description shall be documented pre- and post-restoration and at the 3rd, 4th, 5th and 7th monitoring year to document changes in overall soil morphology, particularly the development of redoximorphic features over time (such as a reduction in matrix chroma or the development of redox depletions), to demonstrate that soils at the site have achieved hydric soil conditions. At a minimum, soil profiles to a depth of 18 inches shall be described at a distance of 10 to 30 feet from each monitoring well.
6. Final release of the site contingent upon DEQ (if applicable) approval of all defined success criteria being met, and that the site has successfully resulted in the restoration of the defined acreage of wetland and associated buffer, with site-wide vegetation coverage of relative uniformity, and trees of sufficient height as to afford a measure of temporal replacement.

L. Success Monitoring Requirements

1. Monitoring activities shall occur during the growing season, and during the 1st, 2nd, 3rd, 4th, 5th, and 7th monitoring year, and shall adhere to the following:
 - a. The 1st monitoring period shall be the 1st growing season after the completion of grading and planting.
 - b. If all success criteria have not been met in any monitoring year, then a monitoring report shall be required for each consecutive year until two sequential annual reports indicate that all criteria have been successfully satisfied. This shall be required regardless of the monitoring year; and,
 - c. The monitoring period shall be extended for adherence to all applicable success criteria defined in Part I.L., to include additional monitoring years if all success criteria are not met the final two monitoring years.
 - d. For any year in which planting is conducted, monitoring of vegetation shall take place at least 6 months following planting.
2. Visual observations shall be conducted and descriptions provided with each monitoring report in narrative form along with documentation by one of the following means: (i) ground level photographs, taken facing north, south, east and west, from photo-monitoring stations located in the vicinity of each vegetation monitoring plot/transect and monitoring well. Permanent markers for the photo-monitoring stations at each monitoring well shall be established to ensure that the same locations (and view directions) are monitored in each monitoring period.
3. Hydrology monitoring shall be conducted each monitoring period during the growing season to demonstrate achievement of the hydrology performance criterion for either 60 days of continuous automated monitoring or 8 consecutive weekly measurements. (Actual monitoring may be of longer duration, as needed, to obtain verification of wetland hydrology). For surface saturation driven systems located on top of a clayey substrate, soil saturation measurement devices may be used in lieu

of groundwater wells and other secondary hydrology indicators to determine groundwater elevations and/or hydro period in these wetlands areas. Specific details on the soil saturation measurement device and location or groundwater monitoring wells shall be provided in the final Plan documents (Section A) for DEQ and USACE approval.

4. Soil morphologic observations shall be conducted pre- and post-restoration and at the 3rd year and each monitoring event thereafter. The assessment shall include the location of soil samples, which shall be within 10 to 30 feet of each monitoring well, and include a complete soil profile down to 18 inches and observations of overall soil characteristics indicative of hydric soils, including but not limited to redox depletions or reduction in matrix chroma.
5. Vegetative monitoring plots/transects shall assess a minimum of 10% of the site and there shall be at least one monitoring plot/transect per resource type/zonation including the Torrey's rush re-establishment zone.
 - a. Transects shall cross the wetland or buffer area with a width not less than 5 feet for woody plants and 1 foot for herbaceous species.
 - b. Appropriate methods shall be used to randomly locate vegetative monitoring plots/transects within sample areas (transects with random number generators, GIS randomization methods, etc.).
 - c. Plots/transects shall be re-established in new random locations each year, unless otherwise authorized by DEQ staff.
6. The following vegetation data shall be collected along each transect or within each plot during monitoring events, as applicable based on resource type/zonation:
 - a. In monitoring years 1, 2, and 3, number of living woody stems and species composition of stems \geq 12 inches.
 - b. In monitoring years 4 and 5, number of living woody stems and species composition of stems \geq 24 inches.
 - c. In monitoring year 7, number of stems and species of living wood stems \geq 36 inches.
 - d. The following parameters are to be calculated based on woody stems (as applicable based on resource type/zonation) that meet prescribed height requirements within a given monitoring year:
 - i. Percentage of woody stems comprised of volunteers;
 - ii. Number of stems, percentage of herbaceous coverage, and the species composition of for both woody and herbaceous vegetation across all vegetative strata; the percentage dominant FAC or wetter; and an inventory of all dominant vegetation species for woody and herbaceous vegetation;
 - iii. Number, species, and percent cover of invasive plants; and,
 - iv. Number of dead stems total and per species, and estimated survival rate total and per species (as a percentage) of plantings.
 - e. Torrey's rush re-establishment zone
 - i. In each monitoring year, the number Torrey's rush plants including comparison of plant density and percent cover to original Torrey's rush population impact area.

M. Restoration Success Reporting

1. Reports shall be submitted to the DEQ by December 31st. Each report shall provide all monitoring data and necessary analyses demonstrating the site's performance in meeting the defined success criteria.
2. Each monitoring report shall include:
 - a. A general description of the site, including a site location map and the location of photo monitoring stations, visual markers, vegetation monitoring plots/transects, soil sampling points, monitoring wells, and if applicable, reference wetlands;
 - b. The number, species and location and any plantings during the current monitoring year;
 - c. A detailed narrative summarizing the condition of the restoration site;
 - d. Any maintenance activities that occurred;
 - e. Results of required vegetation monitoring;
 - f. Results of hydrologic monitoring;
 - g. Soil assessment profiles and observations. Describe the soil profile, including a table with the following for each soil profile: depth, color, texture, horizon, matrix color, redoximorphic features, redox color, and redox feature abundance, and field indicators of hydric soil;
 - h. Visual assessment observations and photographs; and,
 - i. Analysis and conclusion as to the whether the site is meeting the defined success criteria, and meeting the goals and objectives of the Plan.

N. Restoration Corrective Action

1. In the event that any success criteria are not met in any given year, corrective action shall be required. A corrective action plan shall be submitted to DEQ prior to or with the next required monitoring report. The corrective action plan shall clearly identify all deficiencies and describe specific corrective actions. If supplemental planting including in the Torrey's rush re-establishment zone, invasive species control or hydrologic modifications are required after the completion of the 2nd monitoring period, monitoring shall continue for each consecutive year until two annual sequential reports indicate that success has been achieved without corrective action.
2. Significant Corrective Action: In the event that the monitoring identifies a significant failure of the site to meet defined success criteria, DEQ shall be notified within 30 days of the observation and a Corrective Action Plan (CAP) shall be submitted to DEQ within 60 days of the observation for review and approval. Significant Corrective action is defined as any of the following during or after the 3rd growing season or monitoring event:
 - a. Having to replant as a result of > 50% mortality of planted woody stems, or the density of woody stems greater than 12 inches in height are less than 200 living stems per acre;
 - b. Having to alter hydrology or planting scheme because vegetative communities are not dominated by FAC or wetter species; or,
 - c. Having to alter hydrology controls to meet wetland hydrology.
 - d. Due to >50% mortality of Torrey's rush, having to re-plant Torrey's rush from original seed/plant stock material as identified in the re-establishment plan.

The CAP shall include a schedule of corrective action activities. Once the CAP is approved by DEQ, it shall be implemented within the time frames approved in the CAP. In the event that Significant Corrective Action is required, the monitoring term shall begin at Year 1 the following growing season.

Part II – General Conditions

A. Duty to Comply

The permittee shall comply with all conditions and limitations of the VWP permit. Nothing in this chapter shall be construed to relieve the permittee of the duty to comply with all applicable federal and state statutes, regulations, toxic standards, and prohibitions. Any VWP permit violation or noncompliance is a violation of the Clean Water Act and State Water Control Law and is grounds for enforcement action, VWP permit termination, VWP permit revocation, VWP permit modification, or denial of an application for a VWP permit extension or reissuance.

Nothing in this VWP permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

B. Duty to Cease or Confine Activity

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the activity for which a VWP permit has been granted in order to maintain compliance with the conditions of the VWP permit.

C. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any impacts in violation of the VWP permit that may have a reasonable likelihood of adversely affecting human health or the environment.

D. VWP Permit Actions

A VWP permit may be modified in whole or in part, revoked and reissued, extended, transferred, or terminated in accordance with 9 VAC 25-210-180.

1. During the drafting and authorization of a permit modification, only those conditions to be modified shall be addressed with preparing a draft modified permit. VWP permit terms and conditions of the existing permit shall remain in full force and effect during the modification of the permit.
2. This VWP permit may be modified upon the request of the permittee or upon board initiative when any of the following developments occur:
 - a. When new information becomes available about the project or activity covered by the VWP permit, including project additions or alterations, that was not available at VWP permit issuance and would have justified the application of different VWP permit conditions at the time of VWP permit issuance;

- b. When a change is made in the promulgated standards or regulations on which the VWP permit was based;
 - c. When changes occur that are subject to "reopener clauses" in the VWP permit; or
 - d. When developments applicable to surface water withdrawals as specified in 9VAC25-210-380 occur.
3. When this VWP permit authorizes surface water withdrawals, it may be modified when any of the following developments occur:
- a. When the board determines that minimum instream flow levels resulting directly from the permittee's withdrawal of surface water are detrimental to the instream beneficial use, existing at the time of permit issuance, and the withdrawal of surface water should be subject to further net limitations or when an area is declared a surface water management area pursuant to §§ 62.1-242 through 62.1-253 of the Code of Virginia, during the term of the VWP permit.
 - b. Significant changes to the location of the surface water withdrawal system are proposed such that the Department of Environmental Quality determines a new review is warranted due to the potential effect of the surface water withdrawal to existing beneficial uses of the new location.
 - c. Changes to the permitted project or the surface water withdrawal, including increasing the storage capacity for the surface water withdrawal, that propose an increase in the maximum permitted withdrawal volumes or rate of withdrawal or that cause more than a minimal change to the instream flow requirements with potential to result in a detrimental effect to existing beneficial uses.
 - d. A revision to the purpose of the surface water withdrawal that proposes to include a new use or uses that were not identified in the permit application or a modification of the existing authorized use or uses such that the use description in the permit application and permit is no longer applicable. Examples of uses include, but are not limited to agricultural irrigation, golf course irrigation, public water supply, manufacturing, and electricity generation.
4. When the permittee has submitted a timely and complete application for reissuance of an existing VWP individual permit, but through no fault of the permittee, the board does not reissue or reissue with conditions a VWP individual permit or the board does not provide notice of its tentative decision to deny the application before an existing VWP individual permit expires, the conditions of the expiring VWP individual permit shall be administratively continued in full force and effect until the effective date of a reissued permit or the date on which the board denies the application. Timely application shall be a minimum of 180 days for an individual permit or a minimum of 270 days for an individual permit for a surface water withdrawal, unless otherwise specified in the existing permit.
5. Any permittee desiring to continue a previously permitted activity after the expiration date of this VWP permit shall apply for and obtain a new permit or, if applicable, shall request an extension in

accordance with 9VAC25-210-180. Any permittee with an effective VWP permit for an activity that is expected to continue after the expiration date of the VWP permit, without any change in the activity authorized by the VWP permit other than as may be allowed under 9VAC25-210-180, shall submit written notification requesting an extension. The permittee must file the request 90 days prior to the expiration date of the VWP permit. VWP permit modifications shall not be used to extend the term of a VWP permit beyond 15 years from the date of original issuance. When a permit term, other than that of an Emergency Virginia Water Protection Permit, is less than 15 years, an extension of the permit terms and conditions may be granted in accordance with 9VAC25-210-180. Emergency Virginia Water Protection Permits shall not exceed a duration of one year or shall expire upon the issuance of a regular Virginia Water Protection Permit, whichever comes first.

6. This VWP permit may be transferred to a new permittee only by modification to reflect the transfer, by revoking and reissuing the permit, or by automatic transfer. Automatic transfer to a new permittee shall occur if the current permittee: a) Notifies the board of the proposed transfer of the permit and provides a written agreement between the current and proposed permittees containing the date of transfer of VWP permit responsibility, authorization, and liability to the new permittee; and b) the board does not within 15 days notify the existing permittee of its intent to modify the VWP permit.
7. After notice and opportunity for a formal hearing pursuant to § 62.1-44.15:02 of the Code of Virginia, a VWP permit can be terminated for cause. Reasons for termination for cause are as follows:
 - a. Noncompliance by the permittee with any condition of the VWP permit;
 - b. The permittee's failure in the application or during the VWP permit process to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time;
 - c. The permittee's violation of a special or judicial order;
 - d. A determination by the board that the permitted activity endangers human health or the environment and can be regulated to acceptable levels by VWP permit modification or termination;
 - e. A change in any condition that requires either a temporary or permanent reduction or elimination of any activity controlled by the VWP permit; and
 - f. A determination that the permitted activity has ceased and that the compensation for unavoidable adverse impacts has been successfully completed.
8. The board may terminate this permit without cause when the permittee is no longer a legal entity due to death, dissolution, or when a company is no longer authorized to conduct business in the Commonwealth. The termination shall be effective 30 days after notice of the proposed termination is sent to the last known address of the permittee or registered agent, unless the

permittee objects within that time. If the permittee does object during that period, the board shall follow the applicable procedures for termination under § 62.1-44.15:25 of the Code of Virginia and 9VAC25-230.

9. This VWP permit may be terminated by consent, as initiated by the permittee. The permittee shall submit a request for termination by consent within 30 days of completing or canceling all permitted activities and all required compensatory mitigation requirements. When submitted for project completion, the request for termination by consent shall constitute a notice of project completion. The director may accept this termination on behalf of the board. The permittee shall submit the following information:
 - a. Name, mailing address, and telephone number;
 - b. Name and location of the activity;
 - c. The VWP permit number; and
 - d. One of the following certifications:
 - i. For project completion: "I certify under penalty of law that all activities and any required compensatory mitigation authorized by a VWP permit have been completed. I understand that by submitting this notice of termination that I am no longer authorized to perform activities in surface waters in accordance with the VWP permit, and that performing activities in surface waters is unlawful where the activity is not authorized by a VWP permit, unless otherwise excluded from obtaining a permit. I also understand that the submittal of this notice does not release me from liability for any violations of this VWP permit."
 - ii. For project cancellation: "I certify under penalty of law that the activities and any required compensatory mitigation authorized by this VWP permit will not occur. I understand that by submitting this notice of termination that I am no longer authorized to perform activities in surface waters in accordance with the VWP permit, and that performing activities in surface waters is unlawful where the activity is not authorized by a VWP permit, unless otherwise excluded from obtaining a permit. I also understand that the submittal of this notice does not release me from liability for any violations of this VWP permit, nor does it allow me to resume the permitted activities without reapplication and issuance of another permit."
 - iii. For events beyond permittee control, the permittee shall provide a detailed explanation of the events, to be approved by DEQ, and the following certification statement: "I certify under penalty of law that the activities or the required compensatory mitigation authorized by this VWP permit have changed as the result of events beyond my control (see attached). I understand that by submitting this notice of termination that I am no longer authorized to perform activities in surface waters in accordance with the VWP permit, and that performing activities in surface waters is unlawful where the activity is not authorized by a

VWP permit, unless otherwise excluded from obtaining a permit. I also understand that the submittal of this notice does not release me from liability for any violations of this VWP permit, nor does it allow me to resume the permitted activities without reapplication and issuance of another permit.

E. Inspection and Entry

Upon presentation of credentials, the permittee shall allow the board or any duly authorized agent of the board, at reasonable times and under reasonable circumstances, to conduct the actions listed in this section. For the purpose of this section, the time for inspection shall be deemed reasonable during regular business hours. Nothing contained herein shall make an inspection time unreasonable during an emergency.

1. Enter upon any permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the VWP permit conditions;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit; and
3. Sample or monitor any substance, parameter, or activity for the purpose of ensuring compliance with the conditions of the VWP permit or as otherwise authorized by law.

F. Duty to Provide Information

The board may request (i) such plans, specifications, and other pertinent information as may be necessary to determine the effect of an applicant's discharge on the quality of state waters or (ii) such other information as may be necessary to accomplish the purposes of this chapter. Any owner, permittee, or person applying for a VWP permit or general permit coverage shall provide the information requested by the board.

G. Monitoring and Records Requirements

1. Monitoring of parameters, other than pollutants, shall be conducted according to approved analytical methods as specified in the VWP permit. Analysis of pollutants will be conducted according to 40 CFR Part 136 (2017), Guidelines Establishing Test Procedures for the Analysis of Pollutants.
2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
3. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or electronic recordings for continuous monitoring instrumentation, copies of all reports required by the VWP permit, and records of all data used to complete the application for the VWP permit, for a period of at least three years from the date of permit expiration. This period may be extended by request of the board at any time.

4. Records of monitoring information shall include:

- a. The date, exact place and time of sampling or measurements;
- b. The name of the individuals who performed the sampling or measurements;
- c. The date and time the analyses were performed;
- d. The name of the individuals who performed the analyses;
- e. The analytical techniques or methods supporting the information such as observations, readings, calculations and bench data used;
- f. The results of such analyses; and
- g. Chain of custody documentation.

H. Property rights

The issuance of a VWP permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize injury to private property or any invasion of personal rights or any infringement of federal, state or local laws or regulations.

I. Reopener

This VWP permit may be reopened for the purpose of modifying the conditions of the VWP permit to meet new regulatory standards duly adopted by the board. Cause for reopening VWP permits includes, but is not limited to when the circumstances on which the previous VWP permit was based have materially and substantially changed, or special studies conducted by the board or the permittee show material and substantial change, since the time the VWP permit was issued and thereby constitute cause for VWP permit modification or revocation and reissuance.

J. Compliance with State and Federal Law

As to the permitted activity(ies), compliance with a VWP permit constitutes compliance with the VWP permit requirements of the Law and regulations. .

K. Severability

The provisions of this VWP permit are severable.

L. Oil and Hazardous Substance Liability

Nothing in this VWP permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

M. Unauthorized Discharge of Pollutants

Except in compliance with a VWP permit, unless the activity is otherwise exempted or excluded, no person shall dredge, fill, or discharge any pollutant into, or adjacent to surface waters; withdraw surface water; otherwise alter the physical, chemical, or biological properties of state waters regulated under this chapter and make them detrimental to the public health, to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, for recreation, or for other uses; excavate in wetlands; or on or after October 1, 2001, conduct the following activities in a wetland:

1. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;
2. Filling or dumping;
3. Permanent flooding or impounding; or
4. New activities that cause significant alteration or degradation of existing wetland acreage or functions.



Attachment 1: WEEKLY VWP PERMIT INSPECTION CHECKLIST

An inspection of all permitted impact areas, avoided waters and wetlands, and permanently preserved waters, wetlands and upland areas must be conducted at least once every month during active construction activities. Maintain this record on-site and available for inspection by DEQ staff.

Project Name	Potomac Yard Metrorail Station	VWP Permit #	19-0170	Inspection Date	
Inspector Name & Affiliation		Phone # & Email Address			
Based on reading of VWP permit No. 19-0170 including authorized impacts maps entitled “Potomac Yard Metro Station Impacts Map” and “Potomac Yard Metro Station Impacts Inset Section,” dated March 2019, and received March 11, 2019, and my inspection on the date referenced above, to the best of my knowledge and belief this project (___ is in compliance / ___ is not in compliance) with the VWP Permit.					
I certify that the information contained in this report is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.					
_____ Signature of Inspector			_____ Date		

REVIEWED DURING SITE INSPECTION	Yes	No	N/A	Notes & Corrective Action Taken / Date Completed (use back of page if necessary)
Unauthorized impacts to surface waters, including wetlands, or upland preservation areas have occurred . [*] (This includes sedimentation impacts due to inadequate or failed erosion controls.)	<input type="checkbox"/>	<input type="checkbox"/>		
Non-impacted wetlands, streams and preservations areas within 50 feet of construction are clearly marked to prevent unpermitted impacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
An inspection of the perimeter of the work area adjacent to wetlands and surface waters reveals that no sediment or debris is entering adjacent wetlands and surface waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Temporary impacts are being restored to original contours, stabilized, and allowed to re-establish with wetland vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Construction activities are not substantially disrupting aquatic life movement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E&S controls are present, properly maintained, and functioning.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
In-stream work is being performed in the dry with the appropriate use of cofferdams, sheetpiling, etc., to minimize stream bottom disturbance and turbidity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pipes and/or culverts for road crossings are countersunk to provide for the re-establishment of low flow fish passage and/or a natural stream bottom, unless otherwise authorized.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Time-of-year restrictions regarding impacts to surface waters are being adhered to.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Water quality monitoring is being conducted during stream impacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Streams and wetlands are free from any sheen or discoloration that may indicate a spill of oil, lubricants, concrete or other pollutants. ^{**}	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Heavy equipment is placed on mats or geotextile fabric when working in wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Exposed slopes/stream banks are stabilized immediately upon completion of work in each impact area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

^{*} If unauthorized impacts have occurred, you **must** email or fax a copy of this report to DEQ within 24 hours of discovery. Email: vwp.nro@deq.virginia.gov Fax: 703-583-3821

^{**} Any fish kills, or spills of fuels or oils must be reported to DEQ **immediately upon discovery** at 703-583-3864. If DEQ cannot be reached, the spill or fish kill shall be reported to the Virginia Department of Emergency Management (VDEM) at 1-800-468-8892 or the National Response Center (NRC) at 1-800-424-8802. Any spill of oil as defined in § 62.1-44.34:14 of the Code of Virginia that is less than 25 gallons and that reaches, or that is expected to reach, land only is not reportable, if recorded per § 62.1-44.34:19.2 of the Code of Virginia and if properly cleaned up.

Notes



Attachment 2: VWP PERMIT CONSTRUCTION STATUS UPDATE FORM

Attached to VWP Individual Permit Number 19-0170

Permit Issuance September 6, 2019

Date (check one):

☐ June ____, _____

☐ December ____, _____

VWP Individual Permit Number: 19-0170

Project Name and Location: Potomac Yard Metrorail Station, City of Alexandria

Status within each authorized surface water impact location, as identified on *Potomac Yard Metro Station Impacts Map* and *Potomac Yard Metro Station Impacts Inset Section*, dated March 2019, and received March 11, 2019: (check one of the following status options for each impact number/location. Attach additional sheet(s) if needed.)

Authorized impact name	Construction activities not started	Construction activities started	Construction activities started but currently not active	Does this impact involve culvert(s) ¹ ?	Construction activities complete ²
Permanent Palustrine Forested Wetland					
Permanent Palustrine Emergent Wetland					
Temporary Palustrine Forested Wetland					
Temporary Palustrine Emergent Wetland					

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation.

Authorized Signature: _____

Print Name: _____

Title: _____

Phone: _____

Date: _____ Email: _____

¹ Provide spot elevations of the stream bottom within the thalweg at the beginning and end of the pipe or culvert, extending to a minimum of 10 feet beyond the limits of the impact, with completion of all culvert installations.

² If all construction activities and compensatory mitigation requirements are complete, the permittee completes and signs the Termination Agreement section below within 30 days of last authorized activity and/or compensation completion. A completed and signed Agreement serves as Notice of Project Completion (9VAC25-210-130 F).

TERMINATION AGREEMENT BY CONSENT – PROJECT COMPLETION

Permittee Name: _____

Permittee Mailing Address: _____

Permittee Phone: _____

I hereby consent to the termination of coverage for VWP Individual Permit Number 19-0170.

"I certify under penalty of law that all activities and any required compensatory mitigation authorized by a VWP permit have been completed. I understand that by submitting this notice of termination that I am no longer authorized to perform activities in surface waters in accordance with the VWP permit, and that performing activities in surface waters is unlawful where the activity is not authorized by a VWP permit, unless otherwise excluded from obtaining a permit. I also understand that the submittal of this notice does not release me from liability for any violations of this VWP permit."

Permittee Signature: _____